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IN THE UNITED STATES DISTRICT COURT

DISTRICT OF UTAH

UNITED STATES OF AMERICA, Plaintiff, vs. TADASHI KURA KOJIMA, aka AARON MICHAEL ZEMAN, Defendant.	STIPULATED MOTION TO CONTINUE JURY TRIAL Case No. 1:23-cr-00006 HCN Magistrate Judge Jared C. Bennett
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Defendant, Tadashi Kura Kojima, by and through his counsel of record, Spencer W. Rice, respectfully moves to continue the jury trial currently scheduled in this matter on October 24, 2023, for 180 days and exclude time under the Speedy Trial Act. This motion is based on the following:

The Court arraigned Defendant on August 21, 2023, and scheduled trial for October 24, 2023, which was within the time allowed under the Speedy Trial Act.

This is Defendant's first request for a continuance of the trial in this matter, and it is made in good faith and not merely for the purpose of delay.

Defendant seeks a continuance under 18 U.S.C. §3161(h)(7)(A), which allows this court to grant a motion to continue if it finds that the ends of justice served by the granting of the continuance outweigh the best interests of the public and the defendant in a speedy trial.

The facts that support this allegation include the following:

The defense needs additional time to meet with Mr. Kojima and review the discovery in this case.

Mr. Kojima was recently moved to a new jail which made visiting him more difficult.

Furthermore, due to the lengthy mandatory minimum sentence at issue in this case, and the related state charges in Nebraska, counsel anticipated needing more time than normal to attempt to work a global resolution with the authorities in Nebraska. A continuance of at least 180 days is requested.

A failure to continue trial under these circumstances would result in a miscarriage of justice¹ and would deny counsel for the Defendant and the Government the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.² Therefore, the ends of justice served by such a continuance outweigh the best interests of the public and Defendant in a speedy trial.³

Mr. Kojima is in custody. Counsel has conferred with him and explained the need for the continuance, and he agrees that the defense will not be hindered or prejudiced by the delay.

Counsel for the Government, Carol A. Dain has been contacted and does not object to this motion to continue.

There are no other co-defendants in this matter.

¹ [18 U.S.C. § 3161\(h\)\(7\)\(B\)\(i\)](#).

² [Id. § 3161\(h\)\(7\)\(B\)\(iv\)](#).

³ [Id. § 3161\(h\)\(7\)\(A\)](#).

CONCLUSION

For these reasons, Defendant moves to continue trial for 180 days. The ends of justice served by granting the continuance outweigh the interests of the public and the defendant in a trial as currently set; therefore, the time requested is excludable under 18 U.S.C. § 3161(h)(7).

DATED this 26th day of September, 2023.

/s/ Spencer W. Rice

SPENCER W. RICE

Assistant Federal Public Defender